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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,286	08/28/2003	Huinan J. Yu	7463-18	6690
30448	7590	12/20/2005		
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER EVERETT, ROKEYA D	
			ART UNIT 2637	PAPER NUMBER

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,286

Applicant(s)

YU ET AL.

Examiner

Rokeya Everett

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-8, 11 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 6 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/28/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 9 objected to because of the following informalities: a period is required for all claims. Please replace semicolon with period. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 6, the phrase "or other structures" in line 2; claim 10, the phrase "any other display types with sufficient flexibility" in line 3 and "such as" in line 4 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
4. Claim 10 recites the limitation "the active ink layer" in line 1, "the transparent conductive layer" in line 3, and "the driver layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 10 contains the trademark/trade name Mylar. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second

paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe insulator layer and, accordingly, the identification/description is indefinite.

Allowable Subject Matter

The following is a statement of reasons for the indication for the indication of allowable subject matter:

Regarding claims 1-5, 7-8, 11, 19-21, the prior art of record fails to teach or suggest, alone or in combination, an illuminated keypad comprising: a display laminate layer residing between the plurality of actuator buttons and the plurality of switches providing a pattern of a symbol to be displayed through the substantially transparent keypad; as recited in claims 1-5, 7-8, 11, 19-21 and in combination with the other elements of claims 1-5, 7-8, 11, 19-21.

Regarding claims 12-18, the prior art of record fails to teach or suggest, alone or in combination, an electrically active ink layer disposed between the transparent conductor

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layer and the driver layer; as recited in claims 12-18 and in combination with the other elements of claims 12-18.

Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inbushi (6,362,765) discloses an illuminated button backlighted by white light.

Nakano (5,573,107) discloses an internally illuminable push-button switch unit.

Kenmochi (5,661,279) discloses a pushbutton switch.

Douzono (6,950,049) discloses an illumination type keyboard.

Shipman (6,918,677) discloses an illuminated keyboard.

LaPointe (5,797,482) discloses an electroluminescent keypad.

Norris (5,510,782) discloses a backlit keypad.

Villalobos (4,644,326) discloses a unitary key panel.

Han (6,956,561) discloses a keypad backlighting of mobile terminal.

Albert (6,118,426) discloses a transducers and indicators having printed displays.

Di Santo (4,870,677) discloses a telephone subset incorporating electrophoretic displays.

Bowen (6,046,730) discloses backlighting scheme for a multimedia terminal keypad.

Kaikuranta (6,806,815) discloses a keypad structure with inverted domes.

Dreher (4,551,717) discloses an intelligent key display.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rokeya Everett whose telephone number is (571) 272-5506. The examiner can normally be reached on Mon-Fri, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDE

RDE

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
